

Message

From: Matthew Culpo [MCULPO@helenamt.gov]
Sent: 8/5/2020 5:15:29 PM
To: Llamozas, Emilio [Llamozas.Emilio@epa.gov]; Phil Hauck [PHAUCK@helenamt.gov]; Mark Fitzwater [mfitzwater@helenamt.gov]; Ryan Leland [RLELAND@helenamt.gov]
CC: Thomas Jodoin [TJODOIN@helenamt.gov]; Garcia, Al [garcia.al@epa.gov]; Hanson, Robyn [Hanson.Robyn@epa.gov]
Subject: RE: EPA's comments on the DIP Industrial User Permit
Attachments: DIP Monitoring Report Form.doc

Hi Emilio and Al,

I apologize I included the wrong Monitoring Reporting Form in the prior email, please use the attached with the corrected table.

Thank you,

Matt Culpo, P.E.
Civil Engineer
City of Helena
316 North Park Avenue
City-County Building, Room 413
Ph: 406-447-8073
Cell: 406-422-6147
mculpo@helenamt.gov

From: Matthew Culpo
Sent: Wednesday, August 5, 2020 11:07 AM
To: 'Llamozas, Emilio' <Llamozas.Emilio@epa.gov>; Phil Hauck <PHAUCK@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>; Ryan Leland <RLELAND@helenamt.gov>
Cc: Thomas Jodoin <TJODOIN@helenamt.gov>; Garcia, Al <garcia.al@epa.gov>; Hanson, Robyn <Hanson.Robyn@epa.gov>
Subject: RE: EPA's comments on the DIP Industrial User Permit

Hi Emilio and Al,

Attached is the final version of the DIP Industrial User Permit and Monitoring Report Form. I have reviewed and accepted all of your comments on the permit. I changed the term of the permit to 5 years, and changed the reporting address to the Engineering Division and allowed for electronic submittal by email to Mark and myself. Do you have any more comments or concerns with this permit before we issue it on the 15th?

Thank you,

Matt Culpo, P.E.
Civil Engineer
City of Helena
316 North Park Avenue
City-County Building, Room 413
Ph: 406-447-8073
Cell: 406-422-6147
mculpo@helenamt.gov

From: Llamozas, Emilio <Llamozas.Emilio@epa.gov>
Sent: Tuesday, August 4, 2020 3:48 PM
To: Phil Hauck <PHAUCK@helenamt.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>; Ryan Leland <RLELAND@helenamt.gov>
Cc: Thomas Jodoin <TJODOIN@helenamt.gov>; Garcia, Al <garcia.al@epa.gov>; Hanson, Robyn <Hanson.Robyn@epa.gov>
Subject: EPA's comments on the DIP Industrial User Permit

Hi Phil, Matt, Mark and Ryan,

I hope you are doing well. Attached are EPA's comments on the DIP Draft Industrial User Permit.

Please note that the EPA is not approving the DIP industrial user permit, but providing comments so the City can address the industrial user permit findings identified during the 2017 pretreatment audit.

Please note it is the City's responsibility to ensure that the DIP industrial user permit aligns with the City's pretreatment ordinance.

Please let me know if you have any questions on the DIP industrial user permit comments.

Thanks,

Emilio Llamozas
(303) 312-6407 phone
To report an environmental violation, please visit EPA's website at
<http://www.epa.gov/compliance/complaints/index.html>

From: Hanson, Robyn <Hanson.Robyn@epa.gov>
Sent: Friday, July 24, 2020 3:39 PM
To: Phil Hauck <PHAUCK@helenamt.gov>; Matthew Culpo <MCULPO@helenamt.gov>; Mark Fitzwater <mfitzwater@helenamt.gov>; Ryan Leland <RLELAND@helenamt.gov>
Cc: Thomas Jodoin <TJODOIN@helenamt.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>
Subject: City of Helena: Yesterday's LOV Conference with EPA and Resulting List of Deliverables

Phil, Ryan, Matt, and Mark:

Thank you once again for participating in a videoconference with the EPA yesterday regarding the City of Helena's pretreatment program. We look forward to the City's continued engagement as we pursue settlement discussions regarding a potential enforcement action under the Clean Water Act (CWA) for the violations that we alleged in our Letter of Violation, dated May 14, 2020.

As I noted yesterday after receiving your permission to proceed without the presence of the City's Attorney, our primary focus at this time is reaching agreement on a set of compliance terms to be drafted into a proposed administrative Agreement on Consent, or "AOC." See Section 309(a) of the CWA 33 U.S.C. § 1319(a). At a later point in our settlement discussions, we also intend to engage with the City of Helena regarding an appropriate administrative penalty as set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

For now, I am following up on my commitment to share with you the list of deliverables, in the table below, that we understand to have come out of yesterday's conference. Please let me know if you have anything to add to this list, or if you understood any commitments differently.

Deliverables	Corresponding LOV Violation # (from 7/8/20 EPA letter)	Due Date
City of Helena:		
1. Submit an updated ordinance.	#2	September 1, 2020; City expresses it may be able to submit earlier.
2. Propose an updated IGA (that addresses EPA's 7/8/20 comments) to Ft. Harrison for signature.	#3	No set date commitment. City and EPA agree the City will propose the updated draft IGA "soon" so EPA can be available to join discussions if Ft. Harrison does not agree to sign. If this is still outstanding when we draft the AOC, that document will propose a date for completion of the City's proposal of the IGA.
3. Reissue the modified DIP permit, addressing EPA's comments (to be provided by August 5, 2020).	#4	By August 15, 2020.
4. Provide a narrative explanation to EPA of the IU inventory and characterization procedures the City is implementing or planning to implement, for existing and new facilities, including a timeline for implementation and a description of how the City will update its IU inventory (of existing and new facilities) yearly.	#5 & #6	By August 1, 2020.
5. City will update its prior IU Inventory procedures governing notification of IUs (submitted to AI during 2017 Pretreatment Audit, which he sent back to the City on 7/23/20).	#7	September 1, 2020 (EPA agreed to extend from the original 8/15 date requested).
6. City to update the Sampling & Analysis Plan it provided to EPA (via AI Garcia) on 6/30/20 and resubmit to EPA for approval. The updates should ensure the plan provides for representative sampling, appropriate timing for the samples, calibration of pH meter with logs of the calibrations, and any other updates needed to address the Proposed Action in EPA's July 8, 2020 letter.	#8 & #9	August 5, 2020.
7. City to review its enforcement records on MRL's late report, including documented phone calls and provide those records to EPA if they exist. Alternatively, City will discuss with the City's Attorney taking enforcement response on the late report.	#9	No set date commitment. As soon as possible.
8. City to develop a procedure for receiving and analyzing self-monitoring reports from SIUs and following up with enforcement responses per the City's ERP.	#9	Agree to do within timelines proposed in July 8, 2020 letter (p. 14), if not earlier.

9. City to continue to strategize methods to recruit and budget a FTE designated to implement its PT Program. Phil and AI to discuss ideas about steps that could ensure qualified personnel implement the PT program.	#10	No set date commitment. Phil will contact AI to set a time to talk.
EPA:		
1. Review the City's recently proposed draft Local Limits, as submitted via email to AI Garcia on 6/30, to ensure they are approvable.	#1	No set date commitment. EPA acknowledges receipt of Helena's proposed Local Limits and has added the document to the queue of municipal proposals under review.
2. Provide edits and comments on the City's recently provided draft DIP permit, including EPA's request for removal of the administrative extension language and language requiring samples to be "representative."	#4	August 5, 2020 (City still plans to reissue by August 15 th)
3. AI to discuss ideas with Phil about steps that could ensure qualified personnel implement the PT program; EPA to consider sharing advice based on what other similarly sized municipalities do.	#10	No set date commitment. Phil will contact AI.

Finally, I am CC'ing Mr. Jodoin to this communication. Mr. Jodoin, please do not hesitate to contact me directly if you want to discuss the EPA's claims in this matter or our proposed path forward in these ongoing settlement discussions, including any of the deliverables arising from the conference yesterday.

Regards,
Robyn

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